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"LABOUR LAW POLICIES AND PRACTICES IN SEMs: A STUDY WITH REFERNCE TO KARNATAKA STATE"

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Introduction

Employees play an important role in the industrial production of the country. Hence, organizations have to secure the cooperation of employees in order to increase the production and to earn higher profits. The cooperation of employees is possible only when they are fully satisfied with their employer and the working conditions on the job. In the past, industrialists and the employers believed that their only duty towards their employees was to pay them satisfactory wages and salaries. In course of time, they realized that workers require something more important. In addition to providing monetary benefits, human treatment given to employees plays a very important role in seeking their cooperation. Further, human resource managers realized that the provision of welfare facilities contribute a lot towards the health and efficiency of the workers. The productivity of labour is an essential condition for the prosperity of enterprises and the well being of the workers and their families. While the production facilities at workplace and the remuneration are important, attitudes towards work, and the value placed by the society on dignity of labour are equally important in influencing the productivity of labour. All the same, organizations need to provide various social security benefits such as medical care, mortality benefits, pension etc., as specified by law. It is a fact that the provision of social security benefits is a kind of wise investment that offers good social dividends in the long run. The company having realized the importance of welfare and social security measures introduced several welfare schemes for its workers and the families. For instance, the company provides statutory welfare facilities like drinking water, conservancy, medical appliances, canteen, rest shelters, crèches etc. It also provides various non-statutory welfare facilities such as medical, education, recreation, housing/quarters, consumer cooperative stores, consumer cooperative credit society etc. Further, it provides social security measures like provident fund, gratuity, pension, dependent employment etc. In short, due to the welfare and social security measures provided by the company, its employees have been working with involvement and commitment. Consequently, the performance of the company is quite commendable. Recently, there has been a resurgence of interest in the relationship between employees and employers.

Small Scale Industries in India:

India is an emerging economy with a population of more than one billion. Nearly 40 per cent of the population lives below the poverty line and 70 per cent of the population is dependent on the agriculture for sustenance. The economic reconstruction of India depends on the balanced growth of economy in the fields of agriculture and industry. There is no denying the fact that SSIs are accepted as the engine of economic development and for promoting

equitable development. The major advantage SSIs is its employment generation at low capital cost. The intensity of labour of SSIs is much higher than that of the large enterprises. In India, the SSIs play an important role in the overall economic development of the
country. Because capital and finance have been scarce in India, the Government of India has encouraged alternatives to agriculture and heavy industries like small-scale industries, which can operate on limited resources. Small- medium enterprises can be established in semi-urban and rural areas where the infrastructure is underdeveloped. The objective is to use local raw material for raising production with the help of local skills. Small-scale industries provide employment without affecting the main occupation -agriculture- of illiterate people in rural areas in India. The other advantages of small-scale units are that these units need short gestation period in establishment, are less dependent on imported raw material and machinery and help in meeting a substantial part of demand of consumer goods.

Review of Literature

The overall review of the literature available on the present topic. Literature is the most important part of any research. In this topic, the review is taken for research articles regarding to this research topic. Review of Research Articles, thesis and other related published or unpublished literature on the concerned topic.

Garg and jain (2013) evaluated the awareness and satisfactory level among the workers. The study suggested that improvement is required in the filed of grievances handling procedure. Management should formulate a problem solving committee for better solution of welfare problems of the workers so that they can do work efficiently and effectively.

Pandey and Agarwal (2013) studied health and safety provisions with respect to Factories Act, 1948. The study suggested that health and safety standards of the organization should be improved by adding some more value added services like advancement on safety provisions. Monthly or quarterly health checkup camp should be scheduled by the organization.

Bhari and Ashokkumar (2013) state the provisions of welfare under Factories Act and its impact on employee satisfaction. The study conclude providing the different welfare provisions to employee working in an organization under Factories Act,1948 are having positive relations with employee satisfaction.

Maitryee handique (2009) stated that small and medium enterprises seek simpler labour laws. There are 44 central acts for the security and maintenance

of the labour. Among 44 central acts small and medium enterprises follow at least 15 laws. she opined that because of more complicated labour laws there is a burden of inspection and compliance cost. All trade union also opined that to avoid the burden of small and medium enterprises the law should be simplified.

Meenakshi Rajeev (2006) focus on the contract labour act in India, this study revel that workers not get minimum wage if there is a minimum wage act. The paper suggest that the workers aware of their rights and responsibility so that they detect unlawful activities. non permanent category of workers would remain as toys in the hands of the employers. The main drawback of the law is less effective implementation.

Parvathamma (2015) made a conceptual and descriptive study on child labour in India . The paper recommends Government has accordingly been taking proactive steps to tackle this problem through strict enforcement of legislative provisions along with simultaneous rehabilitative measures. State Governments, which are the appropriate implementing authorities, have been conducting regular inspections and raids to detect cases of violations. Since poverty is the root cause of this problem, and enforcement alone cannot help solve it, Government has been laying a lot of emphasis on the rehabilitation of these children and on improving the economic conditions of their families.

Venugopal , Bhaskar, Usha (2011) – Human Resources play a very important role in the development of the business. They constitute the organization at all levels and are regarded as a dynamic factor of production. In order to get best results from the employees, management must be aware of what employees expect from their employees. It is for the management to see that the workers get economic, social and individual satisfaction, employee welfare activities are undertaken. The Study on "employee welfare measures" is conducted with the main objective of evaluating the effectiveness of welfare measures in industrial sector and to suggest measures to make existing welfare measures much more effective and comprehensive so that the benefits of the employees will be increased. The concept of 'employee welfare' is flexible and elastic and differs widely with time, region, industry, social values and customs, degree of industrialization, the general economic development of the people and political ideologies prevailing at a particular time, it is also melded according to the age – group, sex, socio - cultural background, marital and economic status and educational level of the employee in various industries. In the 'broader sense', employee welfare may include not only the minimum standard of hygiene and safety laid down in general employee legislation, but also such aspects of working life as social insurance schemes, measures for the protection of women, limitation of hours of work, paid vacation, etc. In the 'narrow sense', welfare in addition to general physical working conditions is mainly concerned with the day – to – day problems of the employees and social relationships at the place of work

Gopalakrishnan and Bhindra explore maternity benefits and its effectiveness, 90% of women are working in unorganized sector. Law commission of India in 2015 recommended that the provisions of Maternity Benefit Act 1961should cover women worker working in organized as well as unorganized sector, but the government is yet to think over extending the maturity benefit scheme to women in unorganized sector. The poor and illiterate women working in unorganized sector are ignorant and fail to avail any benefit of Indira Gandhi Matritya Shoya Yojana (Maternity support scheme). The study finds that during the pregnancy time women workers are staying away from the work, it causes loss of income. The main objective of the study identify the various scheme available on maternity benefit and analyze the level of awareness of worker towards available facilities whether they are benefitted or not. Government launches number of schemes for maternity benefit namely employee state insurance Act, 1948, central civil services 1972, national maternity benefit scheme, janani suraksha yojana, Indira Gandhi matriva sahayog yojana, pradhana mantri matriva vanadana yojana, women workers not significantly use these schemes because lack of education.

Conceptual and Theoretical Framework

The Indian SME sector contributes 45 per cent of industrial output and 40 per cent of country's total exports. It hence plays an integral part in the growth of the economy by showcasing Indian entrepreneurship to the world. In other words, SMEs are the engine of economic growth for India. There are about 30 million SMEs in India who employ more than 60 million people by creating massive amount of jobs year upon year.

After agriculture, small business is the second largest employer of human resources. SMEs have been highly positive on the future prospects of growth, largely owing to the recent change in the government and are quite hopeful of a favorable transformation. SMEs are facing myriad challenges in the current scenario - which if not addressed poses some risk to the high growth trajectory.

The biggest challenge across this sector is access to proper finance. Small and Medium Enterprises, face severe constraints with their finances and often seek alternate help leading to higher interest costs and transaction cost. As a result SMEs are stuck in a vicious circle and becomes globally uncompetitive compared to its counterparts in other countries.SMEs typically do not have

‘deep’ pockets. As liquidity gets tighter, the cost of funding (even when it is available) also tends to go up, adding to the strain, making them vulnerable to the shocks of the market. Nonetheless, adequate and timely funding is the life blood for SMEs and is the key differentiator which can take these SMEs to the big league.

Adequate and modern developed infrastructure helps in the growth of the SME sector. However it is hampered as large part of this sector in India, is based out of Tier 2 and smaller cities that lack basic infrastructure facilities such as proper roads, power and water supply. Technology, being the backbone of modern business helps in innovation and cost reduction. With adapting and enforcing new technologies, SMEs faces a roadblock in the path of catching up with their global counterparts. Most of the SMEs in rural areas undertake manufacturing using old methods and rudimentary technology even today.

Regulatory policies are critical for growth of the sector. The right support and incentives to develop to its full potential is essential for the growth of any business. Thus, policy makers should provide the right incubation support and start-up incentives to facilitate ease of doing business.

Some of the other challenges encountered by SMEs are non-availability of skilled labour at an affordable cost, identification of new markets and the marketing strategy to sell their products. With these barriers, this sector stretches in diverse directions with limited bandwidth to achieve the desired growth.

Nonetheless the sentiments for Small & Medium Enterprises are positive, putting them back in the spotlight. There is an expectation that the growth here would be much faster over the next few years. However, the companies which would emerge winners would need to find means to leverage their strengths and remain ahead of intense competition. The use of technology and using it as a competitive advantage would be key thing to look out for. Having access to the

right talent, adequate sources of funding and above all a ‘value proposition’ which embeds itself into the journeys of their customers improving experience would be crucial. Indeed exciting times ahead.

Labour law in the context of SME growth

All modern regimes have a set of laws that either regulate and/or protect labour. These vary from universal laws applicable to all types of employment to specific occupations or employment size classes. The Indian Constitution provides both regulation and protection of labour. However, under its federal system, the subject of labour is in the Concurrent List thus enabling both central as well as state governments to enact legislation. By recent estimates there are 52 central labour laws in addition to several state labour laws, the exact number of which has not yet been available. In the context of the discussion in this report, one may categorize labour laws into three categories. The first category would consist of laws that are applicable to all types of employment and are considered foundational in a modern democratic society. The second one would be those that are applicable to the micro- and small enterprise (SME) sector, the subject of this study. The third category would consist of those laws that are applicable to enterprises that do not belong to the category of SMEs but which come under the new category of medium enterprises. While there is a plethora of labour laws in India dating from those enacted during colonial times, a selection has been made in terms of their current relevance

PROBLEMS OF SME`S IN INDIA

Small and Medium Enterprises (SMEs) are often confronted with problems that is uncommon to the larger companies and multi-national corporations. Presently, the Indian SME`S are facing different types of problems. Most of the problems are controllable while rests are uncontrollable.

Lack of credit from banks-The SME`S are presently facing the problems of credit availability from the banks. The banks are not providing the adequate amount of loan to the SME`S. The loan providing process of the banks is very long and formalistic. The owners of the SME`S has to produce different types of documents to prove their worthiness.

Competition from multinational companies- In present era of globalization, the SME`S are facing the great from the international manufacturing companies who are proving quality goods at cheapest price. Therefore, it is very difficult to compete with the multinational companies.

Poor infrastructure-Though, SME`S are developing rapidly, their infrastructure is very poor. With poor infrastructure, their production capacity is very low while production cost is very high.

Unavailability of raw material and other inputs- For SME's, required raw material skilled work force and other inputs are not adequately available in the market. Due to unavailability of these essentials, it is very difficult to produce the products at affordable prices. In the context of skilled labour, it is even more difficult to retain them.

Lack of advanced technology-The owners of SME`S are not aware of advanced technologies of production. Their methods of production are outdated. The owners are using older methods in the field of fabricated metal and textile. Moreover, good IT personnel are expensive and may not be affordable by most SMEs.

Lack of distribution of marketing channels-The SME`S are not adopting the innovative channels of marketing. Their advertisement and sales promotion are comparatively weaker than the multinational companies. The ineffective advertisement and poor marketing channels leads to lower sales.

Lack of training and skill development program- The training and development programs in respect of SME`S development concern is very low. Therefore required skilled manpower is not being available to SME`S. The owners are unaware of the innovative methods of production. The skill developmental schemes conducted by the government are not sufficient.

Labour Laws in India

Labour law is also commonly known as 'the law of employment'. The growth and development of labour laws can be traced back to the establishment of the International Labour Organisation, the only tripartite U.N. agency, in 1919. It brings together governments, employers and workers of 187 member States to set labour standards, develop policies and devise programmes promoting decent work for all women and men. It is devoted to promoting social justice and

internationally recognized human and labour rights, pursuing its founding mission that social justice is essential to universal and lasting peace. India has been the permanent member of the governing body of ILO since 1922. This has been a major reason behind the progressive labour legislation in India. Moreover, labour policy in India has been evolving in response to specific needs of the situation to suit requirements of planned economic development and social justice and has two fold objectives, namely maintaining industrial peace and promoting the welfare of labour.Labour law cover three aspects.

- Industrial Relations
- Workplace Health and safety
- Employment standards

Legislating Power

Both the Central government and the State government are vested with the power to legislate on the matters concerning labour laws. The Central government has the power to legislate with respect to the entries mentioned in the Union List of Schedule VII of the Constitution.

- Regulation of labour and safety in mines and oilfields,
- Industrial disputes concerning Union employees, and
- Union agencies and institutions for professional, vocational or technical training.

On the other hand, both the Central Government and State Governments have the power to legislate with respect to the entries mentioned in the Concurrent List of Schedule VII of the Constitution.

- Trade unions, industrial and labour disputes
- Social security and social insurance, employment and unemployment and
- Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits

For instance, the central legislation includes the Trade Unions Act, 1926, the Factories Act, 1948, the Payment of Wages Act, 1936, etc. and the State legislation includes the Shop & Establishment Acts (of respective States), Labour Welfare Fund Act (of respective States), etc.

Classification of Labour Laws

There are more than a hundred legislations dealing with labour law in India. Therefore, the classification of labour laws becomes important for the purpose of understanding them. One way of classifying them is on the basis of enactment and enforcement. The other way of classifying is on the basis of the purpose and the objective of the legislation.

The former type of classification is as listed below.

- The labour laws enacted by the Central Government, the responsibility of enforcement of which lies solely on the Central Government.
- The laws enacted by the Central Government, the responsibility of enforcement of which lies on both the Central Government and the State Government.
- The laws enacted by the State Government and enforced by them only.
- The laws enacted and enforced by various State Governments which apply to respective states.

The other type of classification can be done by dividing the legislation under broad categories.

- Laws dealing with industrial relations.
- Laws dealing with remuneration- payment, deduction and related issues.
- Laws dealing with the social security of the employees.
- Laws dealing with nature and conditions of service and employment such as the issue of working hours, weekly holidays, the interval between working hours, etc.

- Laws dealing with the issues of gender equality and women empowerment.
- Laws dealing with social evils and prohibiting them such as bonded labour, child labour, etc.
- Laws dealing with employment and training of the employees.

The term ‘labour’ means productive work especially physical work done for wages. Labour law also known as employment law is the body of laws, administrative rulings, and precedents which address the legal rights of, and restrictions on, working people and their organizations. There are two broad categories of labour law. First, collective labour law relates to the tripartite relationship between employee, employer and union. Second, individual labour law concerns employees' rights at work and through the contract for work.

The law relating to labour and employment in India is primarily known under the broad category of "Industrial Law". The prevailing social and economic conditions have been largely influential in shaping the Indian labour legislation, which regulate various aspects of work such as the number of hours of work, wages, social security and facilities provided.

a) Labour laws enacted by the Central Government, where the Central Government has the sole responsibility for enforcement

1. The Employees’ State Insurance Act, 1948
2. The Employees’ Provident Fund and Miscellaneous Provisions Act,1952
3. The Dock Workers (Safety, Health and Welfare) Act, 1986
4. The Mines Act, 1952
5. The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare (Cess)
Act, 1976
6. The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labor Welfare Fund Act,
1976
7. The Mica Mines Labour Welfare Fund Act, 1946
8. The Beedi Workers Welfare Cess Act, 1976
9. The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972
10. The Cine Workers Welfare (Cess) Act, 1981
11. The Beedi Workers Welfare Fund Act, 1976
12. The Cine Workers Welfare Fund Act, 1981

(b) Labour laws enacted by Central Government and enforced both by Central and State Governments

13. The Child Labour (Prohibition and Regulation) Act, 1986.
14. The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996.
15. The Contract Labour (Regulation and Abolition) Act, 1970.
16. The Equal Remuneration Act, 1976.
17. The Industrial Disputes Act, 1947.
18. The Industrial Employment (Standing Orders) Act, 1946.
19. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
20. The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988
21. The Maternity Benefit Act, 1961
22. The Minimum Wages Act, 1948
23. The Payment of Bonus Act, 1965
24. The Payment of Gratuity Act, 1972
25. The Payment of Wages Act, 1936
26. The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
27. The Building and Other Construction Workers Cess Act, 1996
28. The Apprentices Act, 1961
29. Unorganized Workers Social Security Act, 2008
30. Working Journalists (Fixation of Rates of Wages Act, 1958
31. Merchant Shipping Act, 1958
32. Sales Promotion Employees Act, 1976
33. Dangerous Machines (Regulation) Act, 1983
34. Dock Workers (Regulation of Employment) Act, 1948
35. Dock Workers (Regulation of Employment) (Inapplicability to Major Ports) Act, 1997
36. Private Security Agencies (Regulation) Act, 2005

(c) Labour laws enacted by Central Government and enforced by the State Governments

37. The Employers' Liability Act, 1938
38. The Factories Act, 1948
39. The Motor Transport Workers Act, 1961
40. The Personal Injuries (Compensation Insurance) Act, 1963
41. The Personal Injuries (Emergency Provisions) Act, 1962
42. The Plantation Labour Act, 1951
43. The Sales Promotion Employees (Conditions of Service) Act, 1976

44. The Trade Unions Act, 1926
45. The Weekly Holidays Act, 1942

46. The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955

47. The Workmen's Compensation Act, 1923
48. The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959
49. The Children (Pledging of Labour) Act 1938
50. The Bonded Labour System (Abolition) Act, 1976
51. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966

Labour Policy of India:

Labour policy in India has been evolving in response to specific needs of the situation to suit requirements of planned economic development and social justice and has two fold objectives, namely maintaining industrial peace and promoting the welfare of labour.

Labour Policy Highlights:

Creative measures to attract public and private investment.
Creating new jobs
New Social security schemes for workers in the unorganized sector.
Social security cards for workers.
Unified and beneficial management of funds of Welfare Boards.
Reprioritization of allocation of funds to benefit vulnerable workers.
Model employee-employer relationships.
Long term settlements based on productivity.
Vital industries and establishments declared as `public utilities`.
Special conciliation mechanism for projects with investments of Rs.150 crores or more.
Industrial Relations committees in more sectors.
Labour Law reforms in tune with the times. Empowered body of experts to suggest required changes.
Statutory amendments for expediting and streamlining the mechanism of Labour Judiciary.
Amendments to Industrial Disputes Act in tune with the times.

Efficient functioning of Labour Department.
More labour sectors under Minimum Wages Act.
Child labour act to be aggressively enforced.
Modern medical facilities for workers.
Rehabilitation packages for displaced workers.
Restructuring in functioning of employment exchanges.
Computerization and updating of data base.
Revamping of curriculum and course content in industrial training.
Joint cell of labour department and industries department to study changes in laws and rules.

The Government has enacted a number of legislations in the area of Social Security for the workers. The important Acts in this regard are the Minimum Wages Act, 1948, The Payment of Bonus Act, 1965, Workmen's Compensation Act, 1923 (now renamed Employees Compensation Act, 1923), The Bombay Shops' & Establishments Act, 1948, The Employees Provident Fund and Miscellaneous Provisions Act, 1952, the Maternity Benefit Act, 1961, the Payment of Gratuity Act, 1972 and the Employees State Insurance Act, 1948. Several initiatives have been recently taken to accord larger benefits to workers under these Acts

Objectives of the study

The focus of the study is mainly of labour law policies and practices in selected Small-Medium enterprises in selected districts of Karnataka State. The following objectives are prescribed for the present study:

1. To study the labour law policies in SMEs.
2. To study the labour law practices in SMEs.
3. To study the level of awareness of labour laws in SMEs.
4. To study the role of government in policies and practice relating to labour law in SMEs.
5. To study the impact and implication of labour policies in SMEs an socio-economic condition of employees.
6. To study the problems and challenges in implementation of labour law in SMEs.
7. To suggest policy measures based on findings of the study.

Statement of research problem

- What are the policies related to labour law in SMEs?

- How labour laws applied in SMEs?
- Whether employees are made aware of various provisions under labour laws after joining SMEs?
- Whether government is successful in finding SMEs to follow the labour law policies?
- What is the impact of labour Laws on welfare of the employees in SMEs?
- What are the problems and challenges for SMEs in following the provisions of labour laws?

Scope of the study.

Worker plays an important role in any industry. Without the cooperation of the worker, it is not possible to increase the productivity and get higher profit. Goal of any organization is achieved only when worker cooperates whole heartedly. Worker's cooperation is possible only when he is fully satisfied with his employer, working condition. The importance of this study is that it can play a very crucial role in filling the gaps to improve the picture of the prevailing working conditions of the labour in the Small and medium enterprises. The scope of the study is to find out the present status of awareness and satisfaction of the various labour law policies in Small medium enterprises in order to excavate the gaps that are to be filled in near future. The study on labour law policies and practices in SMEs will throw light on various benefit schemes available to the workers in construction SMEs and will help the workers and management to improve the welfare measures in order to increase job satisfaction and productivity. With this background a study has been undertaken on labour law policies, the worker enjoys in small and medium enterprises.

Research Methodology

Empirical research design is used for the purpose of the current study. Labour law policies and practices have not been researched in selected districts of Karnataka State although this field has gained a lot of attention in the international context. Hence the basic understanding of this field is not very clear. To have a better understanding of the problems in implementation of labour law policies and practices in Small and Medium enterprises; current research study is based on primary and secondary sources of data and hence Empirical research design is the most suitable way of researching the current field. The focus of this study is to discover why the state is lagging behind in the implemented good labour law policies and practices. The secondary data is collected from the various research books, Reports of International; National

Labour Organization, Government Report, Published or unpublished sources, Journals, Magazines, News Papers, etc. primary data is collected with help of questionnaire and interview. These primary data helped in understanding the complex relationship between the owner, union and workers in the concerned region.

Chapter 1: Introduction

This chapter is introductory part of the study and will contains introduction to the study along with need for the study , objectives of the study, statement of research question, Research Hypothesis, Research Methodology, sampling techniques and sampling tools, scope of the study, limitation of the study and chapter scheme.

Chapter 2: Review of Literature

In this chapter a detailed review of the work already done in the field of labour law policies and practices in SMEs provided. The reviews will be provided in many areas like various labour laws in India, level of awareness of labours about their rights, satisfactory level of workers regarding the welfare measures taken by the industries, implementation of government policies.

Chapter 3: conceptual Framework

In this chapter, labour laws in India, central and state government laws, government policies for welfare of labours, small and medium enterprises in India will be disused.

Chapter 4: Labour Law policies and practices in SMEs

In this chapter the study of labour law policies and practices in India, Karnataka (selected district)

Chapter 5: Labour Law policies and practices in SMEs – An Empirical study

In this chapter survey will be conducted through questionnaires, analysis and interpretation will be conducted.

Chapter 6: Findings, suggestions and Conclusions

In this chapter related to end finding through research, based on result of research some suggestions are given, finally given conclusion about the study.

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